

ORIGINAL

Before the  
COPYRIGHT ROYALTY BOARD  
LIBRARY OF CONGRESS  
Washington, D.C.

In The Matter Of:

Digital Performance Right  
In Sound Recordings and  
Ephemeral Recordings

Docket No. 2009-1  
CRB Webcasting III

FEB 04 2009

Copyright

**SIRIUS XM RADIO INC.'S PETITION TO PARTICIPATE**

Pursuant to 17 U.S.C. § 803(b)(1)(B) and the Copyright Royalty Judges' January 5, 2009 Federal Register notice (74 Fed. Reg. 318), Sirius XM Radio Inc. ("Sirius XM") hereby petitions to participate in the above-captioned proceeding to adjust the rates and terms for 2011-2015 for eligible nonsubscription and new subscription services to make certain public performances by digital audio transmission of sound recordings under 17 U.S.C. § 114(f)(2) and to make ephemeral recordings in furtherance of those performances under 17 U.S.C. § 112(e).

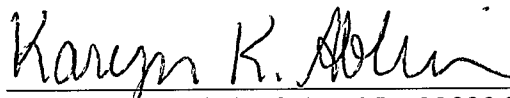
Sirius XM's contact information, as required by 37 C.F.R. § 351.1(b)(1)(i)(A), is as follows:

Sirius XM Radio Inc.  
1221 Avenue of the Americas  
New York City, NY 10020  
Phone (888) 539-7474  
Fax (212) 584-5200  
pdonnelly@siriusradio.com

Sirius XM has a direct and significant interest in this proceeding because it makes public performances of sound recordings by means of digital transmission and ephemeral recordings in furtherance thereof that will be subject to the rates and terms established in this proceeding.

The requisite \$150 filing fee is enclosed herewith.

Respectfully submitted,

A handwritten signature in cursive script, reading "Karyn K. Ablin". The signature is written in dark ink and is positioned above a horizontal line.

Bruce G. Joseph (D.C. Bar No. 338236)

Karyn K. Ablin (D.C. Bar No. 454473)

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*Counsel for Sirius XM Radio Inc.*

February 4, 2009

232227

**WILEY REIN LLP**  
 1776 K Street, N.W.  
 Washington, DC  
**Operating Account**

Date	Amount
02/03/2009	*****150.00

**Pay** One Hundred Fifty and 00/100 Dollars ONLY

**To the  
Order of** COPYRIGHT ROYALTY BOARD

Bank of America, N.A.  
 Washington, DC

*Barry L. Strauss*  
 (Two Signatures Required For Amounts Over \$1,000.00)

⑈ 232227 ⑈ ⑆054001204⑆ ⑈000003702987⑈

Attached is our check in full settlement of items shown hereon. If not correct, please return with explanation or call us at (202) 719-4067.

**No. 232227**

COPYRIGHT ROYALTY BOARD

**Check Date** 02/03/2009

Description	Date	Invoice No.	Amount of Invoice	Discount	Net
FILING FEE	02/03/2009	02032009-2	150.00	.00	150.00
				<b>Total</b>	150.00